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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,921	06/23/2000	Therese A. Voevodsky	COM31 P-301	1017

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EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/602,921

Applicant(s)

VOEVODSKY, THERESE A.

Examiner

Thuy Pardo

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-21 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 5-10, 12-17, and 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the limitations of “automated comparison of employee data between a plurality of subscribers” set forth in the preamble of claim 1-3, 5-10, 12-17, and 19-21 are not met by the body of the claims. In particular, the comparison feature appears only in dependent claims 4, 11, and 18.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 3-8, 10-15, and 17-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Kahn et al.** (Hereinafter “Kahn”) US Patent No. 6,401,079.

As to claim 1, Kahn teaches the invention substantially as claimed, comprising the steps of:  
maintaining a database of subscriber data [a central database, see the abstract] that is provided by a plurality of subscribers [employer remote terminals, 10 of fig. 1], the subscriber data including employee data for a plurality of employees [employee data, 30 of fig. 1], wherein the employee data is correlated to a plurality of employee attributes [name, employee number, social security number, date of birth, etc., col. 11, lines 59 to col. 12, lines 10];

receiving a query from a specific subscriber, the query including at least one desired employee attribute [SQL statements that calculate legally-required overtime for employee, col. 14, lines 20-67; fill in “Accrual Rates Table”, fig. 10(b); col. 30, lines 42-67]; and

compiling a report from the database in response to the query [reports, see the abstract; 1170 of fig. 3; automatically generated reports to appropriate tax authorities, col. 6, lines 8-22], the report providing associated employee data for employees that have the at least one desired employee attribute [newly calculated overtime hours, col. 14, lines 20-67; displaying the employee’s annual paid-time-off accrual rate, fig. 10(c); col. 31, lines 1-13; col. 5, lines 57-67].

As to claim 3, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches associating the query with the specific subscriber [SQL statements that calculate legally-required overtime for employee, col. 14, lines 20-67];

storing the query [stored procedure contains SQL statements, col. 14, lines 31-43]; and providing an updated report [updating the employee's paycheck due to the rules that have been updated or created, col. 15, lines 20-31; col. 14, lines 8-67] when the specific subscriber selects the stored query [stored procedure will clear out any previous calculated overtime from the employee's timesheet and insert the newly calculated overtime hours, col. 14, lines 56-61], wherein the specific subscriber is not required to again enter at least one desired employee attribute associated with the stored query [rules and calculations can be easily modified by adding or deleting steps within database tables, without manually modifying the SQL statements within the stored procedures, col. 14, lines 20-30].

As to claim 4, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches that the employee data is employee compensation data [col. 11, lines 64 to col. 12, lines 6] and the report provides a comparison between the employee compensation data of the specific subscriber and the employee compensation data of all other subscribers with the at least one desired employee attribute [employer can also view the raw data and summary data in the context of various reports that compare the employee to other employees, col. 17, lines 35-59; Job classification including classification name, and the ID of the employer using a particular job

classification, and this information can be used to create salary surveys across different employers, see col. 22, lines 7-14].

As to claim 5, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches that the query includes at least one scope measure [enter the number of months employed: 8 and check calculated accrual rate, see fig. 10(c)].

As to claim 6, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches that the report includes a summary of the desired employee attribute used to compile the report [statements reporting payment per employee, col. 19, lines 42-67].

As to claim 7, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches that the report includes the employee data in tabular and graphical format [fig. 45a illustrates a paycheck, see tables and graphical forms, fig. 5-46(b)].

As to claim 8, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches a processor [PC, col. 1, lines 11-22; processing units, col. 57, lines 53-55]; a memory subsystem for storing data and information [see 30, 40, 50, 60, 70, 80, 82, 84, 86, 90, 100, 110, 112, 114, 116, and 120 of fig. ]; and executable code located within the memory subsystem for the system to perform the method steps as specified in claim 1 [workflow sequence data 116 includes

information and executable code that enables employers to create customized, automated workflows through the system user interface screens, col. 13, lines 58-61].

As to claim 10, all the limitations of this claim have been rejected in the analysis of claim 3 above; therefore, this claim is rejected on that basis.

As to claim 11, all the limitations of this claim have been rejected in the analysis of claim 4 above; therefore, this claim is rejected on that basis.

As to claim 12, all the limitations of this claim have been rejected in the analysis of claim 5 above; therefore, this claim is rejected on that basis.

As to claim 13, all the limitations of this claim have been rejected in the analysis of claim 6 above; therefore, this claim is rejected on that basis.

As to claim 14, all the limitations of this claim have been rejected in the analysis of claim 7 above; therefore, this claim is rejected on that basis.

As to claim 15, Kahn teaches the invention substantially as claimed as specified in claims 1 and 8 above. Kahn further teaches compensation data for employees [payroll data, benefits data, 50, 60 of fig. 1; see the abstract].

As to claim 17, all the limitations of this claim have been rejected in the analysis of claims 3 and 10 above; therefore, this claim is rejected on that basis.

As to claim 18, all the limitations of this claim have been rejected in the analysis of claims 4 and 11 above; therefore, this claim is rejected on that basis.

As to claim 19, all the limitations of this claim have been rejected in the analysis of claims 5 and 12 above; therefore, this claim is rejected on that basis.

As to claim 20, all the limitations of this claim have been rejected in the analysis of claims 6 and 13 above; therefore, this claim is rejected on that basis.

As to claim 21, all the limitations of this claim have been rejected in the analysis of claims 7 and 14 above; therefore, this claim is rejected on that basis.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



7. Claims 2, 9, and 16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kahn et al.** (Hereinafter “Kahn”) US Patent No. 6,401,079, in view of **Nguyen et al.** (Hereinafter “Nguyen”) U.S. Patent No. 5,737,592.

As to claim 2, Kahn teaches the invention substantially as claimed. However, Kahn does not explicitly teach that the report is electronically provided to the specific subscriber via an HTML form although it has the same functionality of facilitating online payroll and benefits administration systems [see the abstract]. Nguyen teaches executing SQL queries in a RDBMS via World Wide Web of the Internet and the results output by RDMS software are themselves transformed into HTML format for presentation to the Web user. Therefore, It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to have modified the Web-based communication service system of Kahn wherein the transfer of results output such as reports via a standard Web browser provided thereof would have incorporated the teachings of Nguyen especially the methodology of transforming the results output into HTML format for presentation to the Web users. The motivation being to enhance the versatility of Kahn’s system by allowing results output such as reports being transformed into HTML format for presentation to the Web users [see the abstract of Nguyen, lines 8-10].

As to claim 9, all the limitations of this claim have been rejected in the analysis of claim 2 above; therefore, this claim is rejected on that basis.

As to claim 16, all the limitations of this claim have been rejected in the analysis of claim 2 above; therefore, this claim is rejected on that basis.

#### OTHER PRIOR ART MADE OF RECORD

Alavi (US 5,970,467) discloses a method for accumulating market survey data from interested Internet users or TV viewers. Various market survey questions can be disseminated to Internet users and TV viewers. The Abstract and Disclosure are relevant.

Edelman (US 6,085,174) discloses a computer program product that stores computer instructions for instructing a computer to perform a process of administering or assisting in the administration of resources of a customer for the benefit of a beneficiary. The Abstract and Disclosure are relevant.

Meltzer (US 6,226,675) discloses an infrastructure for connecting businesses with customers, suppliers and trading partners. A customer places an order by submitting a purchase order or supplier checks availability by downloading an inventory status report. The Abstract and Disclosure are relevant.

Gates et al. (US 6,411,938) discloses that online client-server payroll processing is provided by a client computer executing a combined accounting and payroll software product that administers both financial accounting functions (e.g., various expense and income accounts) and payroll functions. The Abstract and Disclosure are relevant.

Cooper et al. (WO 99/17242) discloses a network based recruiting system that accepts and provides information across a wide-area network such as the Internet. The system matches job

openings with candidate information and includes a job packet generator which creates a job opening data packet containing encoded information corresponding to a plurality of predefined categories for a job opening. The Abstract and Disclosure are relevant.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	(After Final Communication)
(703) 746-7239	(Official Communication)
(703) 746-7240	(For Status inquiries, draft communication)

and/or:

***(703) 746-5616 (Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to them on occasions).***

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5359, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Thuy Pardo', with a long horizontal stroke extending to the right.

Thuy Pardo  
August 08, 2002

Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes ~~incorporated~~ therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.